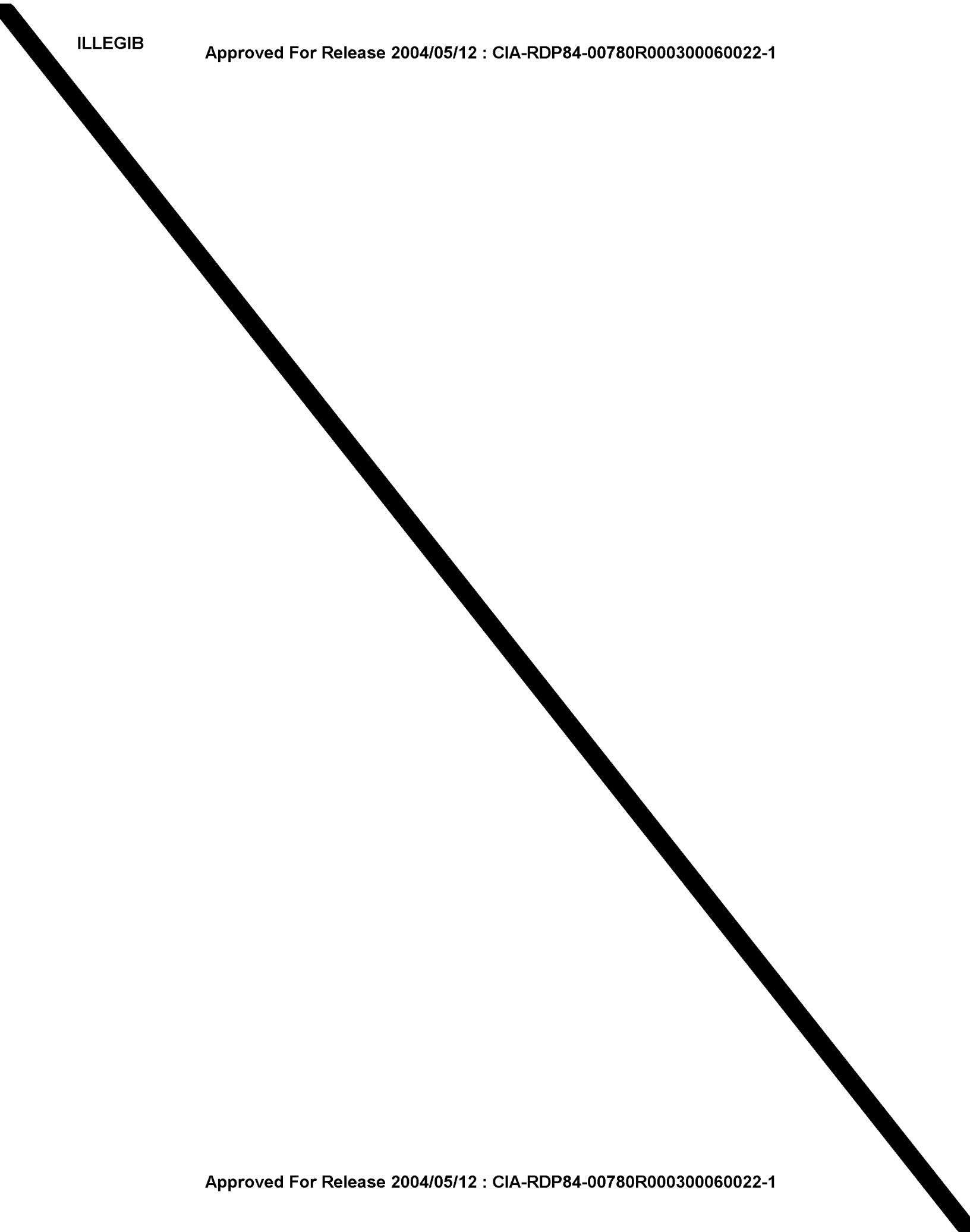

Personnel "1"

(1) DD/S 2/18 RBF

(2) General Counsel

1 - 2: With the attached letter from Mr. Wirtz, dated 14 February 1963, I am forwarding the file of previous related correspondence. This suggests that there may be no necessity for action. The Director of Personnel can give you further information if you wish it concerning the Agency's exemption from Executive Order 10988.

RBF

Suspense: 4 March 1693

EA-DD/S:RBF:maq (21 Feb 63)
Executive Director 15 Feb 63
Distribution:
Orig - GC w/O of DD/S 63-0674 and O of DD/S 62-4312
1 - DD/S Subject w/T of DD/S 63-0674 w/o att and T of DD/S 62-4312
1 - DD/S Chrono
DD/S 63-0674: Ltr to Hon. John A. McCone fm W. Willard Wirtz, dtd 14 Feb 63 re Rules for the nomination of Arbitrators
DD/S 62-4312: Ltr to Hon. John A. McCone fm Arthur J. Goldberg, dtd 28 Aug 62, subj: as above

On file DOL release instructions apply.

DD/S 63-0674
ER 63-1326
OGC 63-0524

U. S. DEPARTMENT OF LABOR
OFFICE OF THE SECRETARY
WASHINGTON

February 14 1963

Honorable John A. McCone
Director of Central Intelligence
Central Intelligence Agency
Washington 25, D. C.

Dear Mr. McCone:

On August 28, 1962, we forwarded for your comments a copy of our tentative Rules for the Nomination of Arbitrators to make advisory determinations or decisions in certain cases involving the exclusive representation of Federal employees by employee organizations. As you know, these nominations are made upon the request of an agency or an employee organization which has been accorded or qualifies for formal recognition subject to such rules as the Secretary may subscribe.

We are enclosing herewith a copy of the proposed rules as revised to meet certain objections of agencies and employee organizations and some of the problems already experienced under the tentative rules.

We have been advised by the Comptroller General that the services of arbitrators under Section 11 are nonpersonal and that those services should be procured by contracts specifying the rates of compensation and other conditions under which their nonpersonal services will be engaged. In the interest of uniformity we have provided in the rules that the fees for arbitrators be $100 a day. We have also provided that per diem and travel expenses be paid in accordance with maximums allowed for Government employees. We enclose a recommended standard contract for arbitration which your agency may wish to use in these matters.

Since there are already a number of pending cases under Section 11, I would appreciate receiving any comments you may have concerning these regulations by March 10, 1963.

Yours sincerely,

W. Willard Wirtz
Secretary of Labor

Enclosures

Next 1 Page(s) In Document Exempt

Approved For Release 2004/05/12 : CIA-RDP84-00780R000300060022-1

ER 62-6318
DD/S 62-4512
OGC-63-0524

U. S. DEPARTMENT OF LABOR
OFFICE OF THE SECRETARY
WASHINGTON

August 28, 1962

Honorable John A. McCone
Director of Central Intelligence
Central Intelligence Agency
Washington 25, D. C.

Dear Mr. McCone:

As you know, section 11 of Executive Order No. 10988 establishes a procedure for the nomination of arbitrators by the Secretary of Labor to make advisory determinations or decisions in certain cases involving the exclusive representation of Federal employees by employee organizations. These nominations are made upon the request of an agency or an employee organization which has been accorded or which has qualified for formal recognition, subject, however, to such necessary rules as the Secretary of Labor may prescribe.

Many agencies have only recently issued their own regulations for the implementation of the Executive Order, and it is impossible at this time to predict either the volume or precise character of the requests for nominations that will be received under section 11. In view of these considerations, we believe that any rules issued at this time will necessarily be temporary and subject to such modification as may be suggested by experience. We are, however, enclosing for your comments a copy of rules governing the submission of requests for nominations which constitute the procedures which the Department of Labor proposes to follow, at least initially, in carrying out its responsibilities under section 11. We hope that these rules will provide the basis for permanent regulations to be promulgated in the near future.

The enclosed rules are, it may be noted, predicated upon the view that the special procedures provided under section 11 of the Order do not represent a substitute for regular agency procedures for resolution of unit and majority status problems but rather are intended as a supplement to such procedures for use in dealing with matters involving special problems. When, for example, an agency has agreed to conduct an election among employees in an agreed upon unit, and the employee organization or organizations concerned do not object to the adequacy of the election procedures to be followed, there would in our

Labor

opinion be no issue or problem such as would justify resort to the section 11 procedures. This view of section 11 also, of course, suggests the necessity for efforts by the party or parties submitting a request to resolve in advance as many issues as possible. Thus, if a request contemplates conduct or supervision of an election, efforts should be made to formulate, so far as possible, mutually acceptable election procedures covering such matters as eligibility to vote, form of ballots and runoff elections. In connection with its duties under section 11, the Department will endeavor to provide assistance with respect to such matters, although reference may also be made to other sources, such as the election procedures followed by the National Labor Relations Board.

Attention is also invited to the fact that, under the enclosed rules, an employee organization submitting an initial request for a nomination is expected to make a prima facie showing that it represents a substantial number of employees in the unit or alleged unit designated in the request. A requirement of this kind is considered necessary so as to avoid the time and expense involved in dealing with cases where the employee organization making the request has no reasonable prospect of obtaining the exclusive recognition which it seeks. While the "substantial" showing requirement should be viewed in the light of the 30 percent rule applied by the National Labor Relations Board, we have not included a specific percentage figure in the procedures so as to retain, at this stage, some flexibility with respect to any special problems or variations that may be encountered in the various Federal agencies.

I would appreciate receiving any comments you may have concerning these regulations by September 15, 1962.

Yours sincerely,

Arthur J. Goldberg

Secretary of Labor

Enclosure